

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the Office Action in view of the foregoing amendments and the following remarks.

Claims 1-7 remain pending in the application, with claims 1, 5, and 6 being independent. Claims 1, 5, and 6 are amended herein. Support for these changes and this claim can be found throughout the originally-filed disclosure. Accordingly, Applicants submit no new matter has been added.

Claims 1-7 are rejected in the Office Action under 35 U.S.C. § 102(e) as being unpatentable over Cohagan et al. (U.S. Patent App. Pub. No. 2004/0243468). This rejection is respectfully traversed, for at least the reasons set forth below.

Initially, Applicants note that the Office Action asserts that Cohagan et al.'s parent application, namely Voltmer et al. (U.S. Patent App. No. 09/836,213; published as U.S. Patent App. Pub. No. 2002/0143626), contains adequate support for the features relied on in making the rejection. Applicants again respectfully traverse this assertion. As Applicants discussed in the previous response, a brief review of Voltmer et al. revealed only a small excerpt in paragraph 33 of the specification that appeared to be relevant: "The consumer ID may be associated with a household account which specifies the consumer as a primary member and permits the identification of supplementary members associated with the consumer's household who may also earn reward points for the consumer." This is inadequate to teach or suggest at least, for example, an authorization access that is capable of being a global assignment, as recited in independent Claims 1 and 6. It is also inadequate to support an authorization update feature, as recited in independent Claim 5.

Therefore, it is again respectfully submitted that Voltmer et al. is insufficient to support the rejection of Applicants' claimed invention.

In this respect, the outstanding Office Action does not appear to address or respond to Applicants' contentions, for example, by explaining how or what portions of Voltmer et al. are sufficient to support the rejection of Applicants' claimed invention. Applicants note that this is an important issue in this case in that Cohagan et al., as set forth in U.S. Patent App. Pub. No. 2004/0243468, was filed March 11, 2004, subsequent to the filing date of the present application. Thus, if Voltmer et al. does not support for the features relied on in making the rejection, then Cohagan et al. cannot be applied under 35 U.S.C. § 102(e) against the present application. Applicants, therefore, request that the next Office Action specifically respond to this portion of Applicants arguments. See MPEP § 707.07(f).

Nevertheless, with respect to Cohagan et al., Applicants submit that the reference does not teach or suggest such features of the present invention, as recited in independent claims 1, 5, and 6.

Cohagan et al. is directed to a geographic loyalty system and method. The Office Action considers Cohagan et al. to disclose creating a cardholder profile by receiving cardholder profile information, including at least one third-party authorization allowing the third party to access the account, and the option of a global assignment.

Applicants submit however, that Cohagan et al. does not disclose, teach, or suggest an authorization access capable of being a global assignment, authorizing identical access to that of the primary cardmember, as recited in independent claims 1, 5, and 6. Cohagan et al. discloses only functional assignment authorization access, for example, authorizing a

third-party to authorize a subsequent third-party to build or redeem loyalty points earned by both third-parties, but not those of the primary cardmember. At no point does Cohagan et al. suggest being able to authorize identical access to that of the primary cardmember to a third-party participant, as can be provided by the global assignment feature of Applicants' invention. Applicants submit, therefore, that Cohagan et al. does not teach or suggest the invention recited in Claims 1, 5, and 6.

The Office Action also notes that it is well known in the industry that a co-owner can be equivalent to a global assignee, thus allowing authorization to everything the primary member is authorized to do.

Applicants submit, however, that a "co-owner" is considered in the art to be a primary cardmember, and, further, such a definition is implicit from the disclosure of the present application of a "primary cardholder" vis-a-vis "a third party." In the present application, the at least one primary cardmember has an account in which they can create a profile that has at least one third-party authorization. A third-party participant is not allowed access to everything the primary cardmember (which would include any co-owners) is authorized to do unless such access is granted by the primary cardmember.

For at least the foregoing reasons, Applicants submit that Cohagan et al. fails to disclose, teach, or suggest the invention as recited in independent Claims 1, 5, and 6.

The remaining claims in the present application are dependent claims that depend directly or indirectly from independent Claims 1, 5, and 6 and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention.

Favorable and independent consideration of all the dependent claims is respectfully requested.

For the reasons noted above, Applicants submit that this Amendment After Final Rejection places this application in condition for allowance. This Amendment was not earlier presented because Applicants believed that the prior Amendment placed the application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 CFR 1.116.

Applicants submit that the instant application is in condition for allowance. Accordingly, Applicants requests favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg, Jr.
Attorney for Applicants
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCIS_WS 2176252v1